

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BEACON NAVIGATION GMBH,

Plaintiff,

v.

BAYERISCHE MOTOREN WERKE AG,
BMW OF NORTH AMERICA, LLC, AND
BMW MANUFACTURING CO., LLC,

Defendants.

Case No. 2:13-cv-11410-MAG-EAS

Hon. Mark A. Goldsmith
Mag. Elizabeth A. Stafford

**OPINION AND ORDER DENYING BMW’S PENDING *DAUBERT*
MOTIONS AS MOOT (ECF Nos. 103, 104)**

In this patent infringement case, plaintiff Beacon Navigation GmbH (“Beacon”) alleges that defendants Bayerische Motoren Werke AG, BMW of North America, LLC, and BMW Manufacturing Co., LLC (collectively, “BMW”) infringe a Beacon patent on vehicle navigation technology, U.S. Patent No. 5,862,511 (the “511 Patent”).

Today, the Court issued an opinion and order granting BMW’s motion for summary judgment of non-infringement, finding that BMW is entitled to summary judgment of no direct infringement and summary judgment of no induced infringement under Federal Rule of Civil Procedure 56.

Also presently pending before the Court are (1) BMW's motion to exclude opinions and testimony of Beacon's damages expert, Dr. Gareth Macartney, Ph.D., and (2) BMW's motion to limit the opinions and testimony of Beacon's technical expert on infringement, Dr. Phillip Dafesh, Ph.D., pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). The parties have submitted written briefs explaining their positions on whether exclusion of Macartney's testimony regarding damages and Dafesh's testimony regarding infringement is warranted.^{1,2} Pursuant to Local Rule 7.1(f)(2), the Court will decide BMW's pending *Daubert* motions without a hearing. E.D. Mich. LR 7.1(f)(2).

Having found that BMW is entitled to summary judgment of no direct infringement and summary judgment of no induced infringement in this case, the Court finds that the issues of whether exclusion of Macartney's testimony regarding damages and Dafesh's testimony regarding infringement is warranted are moot. Accordingly, the Court will **DENY** BMW's pending *Daubert* motions as moot.

¹ ECF Nos. 103, 107 *SEALED* ("BMW's Macartney Motion"); ECF Nos. 119, 122 *SEALED* ("Beacon's Macartney Opposition"); ECF No. 124 ("BMW's Macartney Reply").

² ECF Nos. 104, 108 *SEALED* ("BMW's Dafesh Motion"); ECF Nos. 117, 120 *SEALED* ("Beacon's Dafesh Opposition"); ECF Nos. 126, 128 *SEALED* ("BMW's Dafesh Reply").

SO ORDERED.

Dated: September 18, 2024
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge